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DE RUEHSB #0204/01 0731437
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FM AMEMBASSY HARARE
TO RUEHC/SECSTATE WASHDC 1237
INFO RUCNSAD/SOUTHERN AFRICAN DEVELOPMENT COMMUNITY
RUEHUJA/AMEMBASSY ABUJA 1509
RUEHAR/AMEMBASSY ACCRA 1367
RUEHDS/AMEMBASSY ADDIS ABABA 1513
RUEHRL/AMEMBASSY BERLIN 0189
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C O N F I D E N T I A L SECTION 01 OF 02 HARARE 000204

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E.O. 12958: DECL: 03/14/2017
TAGS: [PGOV](#) [PHUM](#) [PREL](#) [ASEC](#) [ZI](#)
SUBJECT: TSVANGIRAI, OPPOSITION ACTIVISTS FREED

REF: A. REF A: HARARE 198

[1](#)B. REF B: HARARE 195

Classified By: Ambassador Christopher W. Dell under Section 1.4 b/d

Summary

[1](#)1. (C) Police late on March 13 released all of the MDC activists arrested on March 11 (Ref B) without filing charges. Eleven of the detainees, including Morgan Tsvangirai, are still being treated at Avenues Hospital.

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Separately, witnesses claim that Gift Tandare, the MDC youth killed at the aborted prayer meeting on March 11, was shot in the back by the officer-in-charge of Machipisa Police Station. End Summary.

Detainees Go Free

[1](#)2. (SBU) Following their court appearance yesterday, all of the detainees were taken to Avenues Hospital, where they were examined by doctors. Later in the evening police escorted an uninjured group back to the magistrates' courthouse, where they had hoped to return them to court custody. However, no one was present to accept custody. Eventually, a senior police officer arrived and agreed to release the activists into the custody of their lawyers. He ordered them to return to the courthouse the next morning, March 14.

[1](#)3. (SBU) The MDC activists appeared at court with their lawyers on March 14, as ordered. Once more there were no

police or court officials to receive them, and the detainees returned home. A lead lawyer for the detainees, Beatrice Mtetwa, told us that the police had not furnished arrest statements to prosecutors, and therefore prosecutors had not filed any charges against the MDC and civil society detainees, who had therefore been released from custody. Meanwhile, the police guarding the detainees still in the hospital had withdrawn overnight. Mtetwa said no charges were filed against these detainees either and they had in essence been released from custody as well and would return home when their injuries had healed sufficiently.

14. (SBU) Mtetwa said she doubted that prosecutors would continue to pursue the case if only to avoid further embarrassment and international attention. However, Mtetwa noted that charges could be brought later against those released and they could be ordered to court through the issuance of a summons or, more likely, the police could look for less profile ways to harass the MDC leaders.

15. (SBU) Amani Trust officials told us the morning of March 14 that while many suffered serious injuries the prognosis for the 11 activists still in the hospital, including the semi-conscious young man that the Ambassador saw in court (Ref A), was good. They told us Tsvangirai might have sustained a fractured skull and that testing was underway.

Details Emerge in Police Shooting

16. (C) Opposition lawyers told poloff that two witnesses had come forward to accuse a senior police officer of shooting Gift Tandare, the MDC youth killed during the aborted prayer meeting March 11, in cold blood. Contrary to the

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state-controlled media account, Tandare was not part of a gang attacking police and did not throw a tear gas canister at police before the shooting. According to these witnesses, Tandare was among a small group of by-standers when the driver of a police vehicle that approached fired shoots into the air to disburse them. As Tandare turned to run away, the passenger in the vehicle, who has been identified as the officer-in-charge of Machipisa Police Station, fired two shots, one of which hit Tandare in the back and killed him.

Comment

17. (C) The brutality of the regime over the weekend was shocking. Its confusion and incompetence since then has been astonishing. No one in the security services or the courts seems to want to take responsibility for the savage beatings of Tsvangirai and the other opposition leaders. In their haste to wash their hands, the government's case, such as it is, appears to be crumbling. More importantly, instead of cowing the opposition into submission, the government's actions appear to have restored Tsvangirai's credibility and reinvigorated the opposition under his leadership. The government now faces a Hobson's choice about whether to intensify the crackdown or to back down. That choice could come as soon as this weekend when Tsvangirai is likely to lead funeral services for Tandare.

DELL